

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA

v.

GREGORY GRANT NOBLE (1)

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CRIMINAL NO. 9:09-CR-00030-TH-1

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the Government's request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on April 5, 2022, to determine whether Defendant violated his supervised release. Defendant was represented by Brian O'Shea. The Government was represented by Will Tatum.

On January 13, 2011, Defendant was sentenced to one hundred fifty-one (151) months imprisonment, three (3) years of supervised release, a special assessment fee of \$100, and restitution in the amount of \$3,850.00. On March 10, 2022, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender under Supervision (the "Petition") (Dkt. 74). The Petition asserts Defendant violated the following conditions of supervision: (1) Defendant shall not commit another federal, state, or local crime; (2) Defendant shall not unlawfully possess or use a controlled substance; (3) Defendant must follow the instructions of his probation officer and truthfully answer all inquiries by his probation officer; and (4) Defendant must participate in a program of testing and treatment for drug and alcohol abuse under the guidance and direction of the United States Probation Office.

The Petition asserts that Defendant violated these conditions because: (1) Defendant was arrested by the Mesquite Police Department on September 29, 2021, and charged with the

misdemeanor offense of Public Intoxication – Alcohol, in violation of Texas Penal Code 49.02; (2) on June 8, 2021, Defendant admitted to using methamphetamine/amphetamine; on August 3, 2021 and October 18, 2021, Defendant submitted a drug test that tested positive for cocaine; on November 29, 2021, Defendant's urine specimen tested positive for cocaine; on January 12, 2022, Defendant admitted to using cocaine; (3) Defendant failed to report to the United States Probation Office, as instructed, on January 10, 2022; and (4) Defendant failed to report for mandatory substance abuse testing on December 4 and 23, 2021, January 3 and 31, 2022, and February 7, 2022.

At the April 5, 2022 hearing, Defendant entered a plea of true to allegations 1 through 4. *See* Dkt. 88. Defendant also consented to revocation of his supervised release and waived his right to appear before the District Judge. *See* Dkt. 89. The Court finds that Defendant has violated the terms of his supervised release, and thus, his supervised release should be revoked.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984, and having considered the arguments presented at the April 5, 2022 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twenty-one (21) months with no term of supervised release to follow.

So ORDERED and SIGNED this 6th day of April, 2022.

A handwritten signature in black ink, appearing to read 'K. Priest Johnson', written over a horizontal line.

KIMBERLY C. PRIEST JOHNSON
UNITED STATES MAGISTRATE JUDGE